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is that where a statute institutes a new remedy for an existing right, it does not take away a pre-existing remedy without express words or necessary implication. Applying this rule to the principal case, it would seem that the correct result was reached. The same rule was applied with the opposite result in *Colorado Milling & Elevator Co. v. Mitchell*, 26 Colo. 284, 58 Pac. 28. The Colorado statute in the latter case was, however, silent as to the exclusiveness of the remedy. If damages for wrongful death are punitive as well as compensatory, it would seem that the construction adopted by the New York Court might, in certain cases like the principal one, allow an employer to escape the consequences of his negligence; but unless the word "exclusive" as used in the New York statute can be interpreted to mean that the remedy provided is exclusive so far as provision is made for beneficiaries, and that as in this case no provision was made for adult brothers and sisters, then the old remedy applies, there is no escape from the conclusion of the New York Court.

WORKMAN'S COMPENSATION ACT—WHAT IS HAZARDOUS EMPLOYMENT?—On appeal to the New York Court of Appeals, the case of *Fogarty v. National Biscuit Co.*, 161 N. Y. Supp. 937, was reversed, holding it not necessary that the deceased have been himself immediately engaged in a hazardous occupation, but that the statute is satisfied if the deceased were doing an act, at the time of the accident, which was fairly incidental to the prosecution of a business enumerated in the statute as "hazardous." *Fogarty v. National Biscuit Co.* (N. Y. 1917), 115 N. E. —.

For a criticism of the decision in the lower court, see 15 MICH. L. REV. 528.